

## **Assembly Bill No. 2255**

### **CHAPTER 1047**

An act to amend Section 42239.5 of, and repeal Section 62000.11 of, the Education Code, relating to education.

[Approved by Governor September 28, 1996. Filed  
with Secretary of State September 30, 1996.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2255, Cunneen. Education.

Existing law provides for specified apportionments for average daily attendance generated by elementary and secondary school pupils in a voluntary Saturday school program, if the program meets specified conditions. Existing law becomes inoperative on June 30, 1996, and is repealed as of January 1, 1997.

This bill would extend the date of inoperation to June 30, 2000, and the repeal to January 1, 2001, and expresses the Legislature's intent that apportionments for the program will be for the entire 1996-97 fiscal year.

Existing law establishes a program under which school districts operate adult schools and evening high schools that consist of classes for adults and that receive state funding for the operation of those schools. Under existing law, the provisions establishing the adult education program are scheduled to sunset on June 30, 1997.

This bill would repeal the provision that would sunset the adult education program on June 30, 1997. The bill would also require the State Department of Education every 5 years, commencing in 2002, to review the effectiveness of the program. To the extent the adult education program imposes certain obligations on school districts, this bill, by extending the date on which the program would become inoperative, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 42239.5 of the Education Code is amended to read:

42239.5. (a) For the 1989–90 fiscal year and each fiscal year thereafter, average daily attendance generated by elementary and secondary school pupils in voluntary Saturday school programs shall be eligible for summer school apportionments calculated pursuant to Section 42239 if those programs meet the following conditions:

(1) The instruction is in core academic areas specified in paragraph (2) of subdivision (d) of Section 42239, or as specified for summer school in Section 37252 and subdivision (a) of Section 37253, or in a course that provides credit toward high school graduation.

(2) The instruction is provided on Saturday and does not exceed 180 minutes.

(3) The average pupil/teacher ratio does not exceed 20:1.

(4) Attendance by the pupils is not required by the participating schools and districts.

(b) Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program established pursuant to this section for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program established pursuant to this section for religious reasons, shall be given priority over pupils who have attended the Saturday school program for enrollment in the regular summer school program if he or she chooses to enroll in the regular summer school program.

(c) Participating districts shall encourage the participation of elementary and secondary schools with low academic performance.

(d) The Superintendent of Public Instruction shall develop and distribute a program advisory to school districts on this program option.

(e) This section shall become inoperative on June 30, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 62000.11 of the Education Code is repealed.

SEC. 2. Every five years, commencing in 2002, the adult education program shall be reviewed for effectiveness by the State Department of Education. The department shall submit a report of its findings to the chairs of the appropriate policy and fiscal committees of the Legislature, the Director of Finance, and the Legislative Analyst.

SEC. 3. Regardless of when this act becomes effective, it is the intent of the Legislature that the changes in Section 42239.5 of the Education Code made by Section 1 of this act shall operate retroactively, and, therefore, shall apply to apportionments

calculated under Section 42239.5 of the Education Code for the entire 1996–97 fiscal year.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

